A/61/36

United Nations

Report of the United Nations High Commissioner for Human Rights

General Assembly
Official Records
Sixty-first Session
Supplement No. 36 (A/61/36)

General Assembly
Official Records
Sixty-first Session
Supplement No. 36 (A/61/36)

Report of the United Nations High Commissioner for Human Rights

United Nations • New York, 2006

Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Contents

Chapter		*Paragraphs*	*Page*
I.	Introduction	1	1
II.	Country engagement	2–32	2
	A. Strengthening Headquarters capacity to support country engagement	5–10	2
	B. Strengthening OHCHR presence in the field	11–21	3
	C. Strengthening partnerships within the United Nations	22–31	5
	D. Overcoming the closed-door policy	32	7
III.	Developments in strategic thematic areas	33–62	8
	A. Development, poverty reduction and the Millennium Development Goals	33–39	8
	B. Economic, social and cultural rights	40–42	9
	C. Women's rights	43–45	9
	D. Issues of equality and non-discrimination	46–50	10
	E. Issues of migration and trafficking	51–57	11
	F. Rule of law and democracy	58–60	12
	G. Human rights responsibilities of business	61–62	13
IV.	Establishment of the Human Rights Council, Universal Periodic Review and review of mandates and mechanisms	63–79	14
V.	Treaty body reform	80–88	17
VI.	Country engagement	89–93	19

Chapter I

Introduction

1. The present report is submitted pursuant to General Assembly resolution 48/141 and focuses on developments since the sixtieth session of the Assembly, including in relation to implementation of my Plan of Action and the Strategic Management Plan of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the establishment of the Human Rights Council and treaty body reform. This report should be read in the context of my report submitted earlier this year to the Commission on Human Rights and the Human Rights Council (E/CN.4/2006/10).

Chapter II
Country engagement

2. In line with the Secretary-General's report to the General Assembly, "In larger freedom: towards development, security and human rights for all" (A/59/2005), my Plan of Action emphasizes that "engagement and dialogue with countries will be the primary means through which OHCHR works to ensure the implementation of human rights".

3. Country engagement, in its various forms, aims to assist States to address protection gaps through a consultative process which involves Government, civil society and other relevant national counterparts as well as international ones — including within the United Nations. OHCHR is not an arbiter or judge, but sees its work as an ongoing dialogue, bringing duty-bearers and rights-holders together towards more effective promotion and protection of human rights. To this end, the monitoring of human rights developments at the country level and relevant collection of information are indispensable tools for an objective analysis of the human rights situation which, in turn, is fundamental in order to devise the most adequate form of technical cooperation.

4. The first area of action anticipated in my Plan of Action is "greater country engagement through an expansion of geographic desks, increased deployment of human rights staff to countries and regions, the establishment of standing capacities for rapid deployment, investigations, field support, human rights capacity-building, advice and assistance, and work on transitional justice and the rule of law".

A. Strengthening Headquarters capacity to support country engagement

1. Enhancing geographic desks' capacity

5. In order to pursue a more effective country engagement strategy at all levels, the strengthening of Headquarters capacity is essential. In my Plan of Action, it is foreseen that geographic desks will be strengthened at headquarters through a substantial increase in staffing levels. This will allow OHCHR to follow more closely and analyse more thoroughly human rights-related developments in the various regions and, on this basis, to engage more efficiently. This will also enable best advantage to be taken of the work of the whole range of international human rights mechanisms — treaty bodies, special procedures and the Human Rights Council — and to monitor the implementation of their recommendations.

2. Establishment of a Rapid Response Unit

6. A Rapid Response Unit was established to strengthen and coordinate the Office's response to human rights crises. One of the key components of a rapid response capacity is to deploy human rights officers at short notice. In the case of Lebanon, since the beginning of the crisis on 12 July, I have taken measures to deploy a human rights officer on the ground despite a very difficult environment and severe security constraints. This has enabled my Office better to analyse the situation, identify priority human rights concerns and propose responses.

7. The strengthening of the Unit is also crucial as, over the past years, OHCHR has increasingly been called upon to support the establishment of, and to take part in, rapid response initiatives, such as fact-finding missions, commissions of inquiry, start-up missions, and operations requiring strengthening due to unforeseen needs. The Unit assists in the planning, design and execution of such initiatives and is in the process of establishing partnerships with United Nations agencies and an internal and external stand-by roster of qualified staff to secure adequate stand-by resources.

8. In 2005, the International Commission of Inquiry on Darfur, as well as a fact-finding mission on Togo and the OHCHR mission to Kyrgyzstan concerning the events in Andijan, Uzbekistan, were successfully supported. In 2006, OHCHR has supported similar initiatives, namely the Independent Special Commission of Inquiry for Timor-Leste and the High-Level Commission of Inquiry into the situation in Lebanon.

9. Some preparatory work has also been undertaken with a view to strengthening OHCHR capacity in the area of investigation as far as the development of methodological tools to guide OHCHR work and delivery of training are concerned. Contacts have been made with expert institutions for possible collaboration in this area. A study on the work of OHCHR in fact-finding and inquiry missions has been prepared (E/CN.4/2006/89).

3. Support to national human rights institutions

10. National human rights institutions (NHRIs) are a key element of the OHCHR country engagement strategy as indispensable actors for any long-term human rights approach in a country or region. OHCHR has helped establishing and strengthening NHRIs as important partners in its work. During 2006 OHCHR has provided advice on the establishment or strengthening of NHRIs on: appointments procedures (in Sierra Leone, in cooperation with the United Nations Mission in Sierra Leone; Sri Lanka); enabling legislation to establish an NHRI (The Comoros; Iraq; Mauritania, in cooperation with UNDP; Pakistan, with the Pakistani Parliamentarians Commission for Human Rights; Nepal; Scotland; United Kingdom; Uruguay; Chile).

B. Strengthening OHCHR presence in the field

11. It is through its expanded presence in the field, both at country and regional levels, that OHCHR will be able to achieve the greatest impact. Indeed, our presence on the ground enables first-hand knowledge, comprehension and analysis of human rights issues and developments, facilitates the establishment of stronger relationships with all counterparts including rights-holders, and thus fosters institutional credibility and trust. A monitoring presence can have a significant preventive and protective impact. Field presence therefore remains a preferred form of OHCHR country engagement. However, in order to play an effective role, country and regional offices need to be able to pursue the whole of the High Commissioner's mandate as set out in resolution 48/141 and should be adequately staffed and resourced.

12. Thus, my Plan of Action and Strategic Management Plan envisage an increase in operational deployment at the country and regional levels.

1. Establishment of new Regional Offices

13. I intend to strengthen the seven existing regional and subregional offices of OHCHR. In particular, the Regional Office for the Middle East and the Gulf, in Beirut, is being revitalized and restructured following the crisis in Lebanon.

14. The establishment of four new regional offices, and of a human rights training and documentation centre, is progressing:

- In June 2006, a Regional Representative was deployed to Kyrgyzstan to cover Central Asia;
- OHCHR has undertaken preparations for the opening of a Regional Office for West Africa in Dakar, with an annex in Abuja;
- My Office has conducted consultations regarding the establishment of a Regional Office for Northern Africa in Cairo. A draft host country agreement, as well as a concept paper regarding the mandate, functions, and activities of the Regional Office have been provided to the Government of Egypt;
- An assessment has been conducted to identify a location of our future Regional Office in Central America and a decision should be made by October 2006;
- As requested by the General Assembly in resolution 60/153 of 16 December 2005, consultations with the Government of Qatar are ongoing to establish a United Nations human rights training and documentation centre for South-West Asia and the Arab region, which is expected to start operations in 2006.

15. Regional offices will allow OHCHR to constructively collaborate with Governments in the region, relevant regional and subregional intergovernmental and non-governmental organizations in the area of human rights, national human rights institutions, as well as United Nations Country Teams (UNCTs). Regional offices would thus facilitate the development and implementation of engagement strategies for all countries concerned.

2. Expansion of country offices

16. An expansion of country offices is foreseen, but on a modest scale for 2006-2007 as the objective is to strengthen existing presences. OHCHR currently has 10 country offices, and two new offices will be established, in Togo and Bolivia. Consultations with the Government of Togo have advanced significantly and it is expected the office of OHCHR there will be established by the end of 2006. As for Bolivia, a technical assessment mission of OHCHR was conducted in La Paz in early September 2006 to initiate negotiations with the Government.

17. Last year, I established offices in Nepal, Guatemala and Uganda. In these three countries, our engagement has been fruitful and the Governments' cooperation promises an improvement of the human rights situation.

18. In Nepal, our presence throughout the country has been credited with contributing to the protection of vulnerable populations. It has also been praised for promoting restraint by all parties to the conflict. Both parties have requested the assistance of OHCHR to continue monitoring the human rights situation. My Office is determined to pursue its engagement.

19. In Guatemala, the office of OHCHR is strongly engaged, together with the Government, the Ombudsman, the judiciary, Congress and civil society, in addressing long-standing human rights issues, including discrimination faced by indigenous peoples, poverty and public insecurity. The Office is firmly committed to further assist the Government in conducting and implementing reforms stemming from the peace agreements.

20. In Uganda, my Office is engaged in an open dialogue with the Government and security sector institutions for the prevention of human rights violations.

21. At the same time, OHCHR is phasing down in Bosnia and Herzegovina, Serbia, and in The former Yugoslav Republic of Macedonia, where it has been present for more than 10 years. OHCHR will remain present in the region, strengthening its Office in Kosovo in light of serious human rights concerns and upcoming challenges.

C. Strengthening partnerships within the United Nations

22. Our country engagement will undoubtedly have a stronger impact through the strengthening of partnerships with other parts of the United Nations — in line with my objective of exercising greater leadership within the organization.

1. Increased engagement with peace missions

23. My Plan of Action states that the protection of human rights must be at the core of policies to address conflicts. It also foresees a review of the support for Human Rights Components of Peace Missions with a view to making it more effective and increasing its capacity to provide advice and training to their civilian, police and military component. In 2005, OHCHR coordinated interdepartmental consultations which culminated in a Secretary-General's decision on human rights in integrated missions, adopted in October 2005. This decision constitutes a significant step in bringing human rights to the heart of the work of peace missions and is a cornerstone of a consolidated cooperation between the Department of Peacekeeping Operations and the Department of Political Affairs and OHCHR as well as UNCTs.

24. This decision sets out the responsibility of all United Nations entities to ensure the integration of human rights into field operations and the consolidation of core human rights functions in field missions. It provides that all core human rights functions in an integrated mission will be coordinated by one human rights component and reaffirms the role of OHCHR as the "lead agency" for human rights operations. Importantly, heads of human rights components of peace missions become my Representatives and, as such, are also full-fledged members of the United Nations country team — thereby potentially enabling a more systematic human rights engagement of UNCTs in peacekeeping contexts and allowing a broader range of capacity-building activities. OHCHR is working closely with the Department of Peacekeeping Operations, the Department of Political Affairs, individual peace missions, as well as other partners, to implement the decision, and an Action Plan has been developed.

25. The Secretary-General's decision also emphasizes the importance of public human rights reporting and efforts will be made, increasingly, towards joint human

rights reporting — including thematic reporting — and wider dissemination. A number of missions are issuing regular public human rights reports, including the United Nations Organization Mission in the Democratic Republic of the Congo, the United Nations Stabilization Mission in Haiti, the United Nations Operation in Burundi, the United Nations Operation in Côte d'Ivoire, the United Nations Mission in Liberia, the United Nations Assistance Mission for Iraq and the United Nations Mission in the Sudan — the latter two jointly with OHCHR.

26. OHCHR assisted in developing guidelines on the Integrated Mission Planning Process (IMPP) and has taken part in a number of technical assessment missions (Sudan/Darfur, Timor-Leste). OHCHR has also advanced work on developing the human rights-related sections of the DPKO Peacekeeping Guidance Project. In this context, a project was started to consolidate and develop policy and methodological guidance for human rights components of peace operations, as well as human rights guidance for military, police and rule of law components of missions. Some activities were undertaken in cooperation with the Department of Peacekeeping Operations to disseminate concepts and materials on rights-based approaches to the work of military peacekeepers among member States, and a basic module on human rights for inclusion in a training series for all peace operations personnel was updated. An inter-agency project (UNMIS, OHCHR, UNDP, UNICEF, UNFPA) to assist the African Union Mission in Darfur in strengthening its human rights capacity, including through the development of training, was started.

2. Stepping up cooperation with humanitarian actors

27. The strengthening of collaboration with humanitarian actors is a major objective of OHCHR, not only in the context of conflicts or in post-conflict times, but also in relation to natural disasters. Over the past year OHCHR continued to build partnerships with humanitarian agencies and engage with humanitarian-related mechanisms, including the Inter-Agency Standing Committee (IASC). OHCHR also takes an active role in the development of the inter-agency Protection Standby Capacity (PROCAP). Moreover, we have actively engaged on the Protection Cluster Working Group in the reform and strengthening of the humanitarian coordination system including, through the design of profiles, assessment criteria and training modules.

28. We have equally supported the development of tools for humanitarian response, and have taken the lead in the drafting of the recently published Human Rights Guidance Note for Humanitarian Coordinators.

29. My Office has also recently become part of important initiatives to mainstream human rights into humanitarian assistance/relief in the aftermath of natural disasters. Since 2004, a senior human rights adviser has been deployed to Sri Lanka to work under the Resident Coordinator system to mainstream human rights in the work of the United Nations in support of the peace process but also to provide advice to the United Nations country team on rights-based approaches to the humanitarian response following the tsunami. Also, since October 2005, a human rights adviser has been posted to Pakistan following the earthquake. In both cases, the work of the advisers has been praised as a valuable contribution to improve the conception and delivery of humanitarian assistance.

3. Improving partnerships with the United Nations Resident Coordinator System

30. Cooperation with the Resident Coordinator System and United Nations country teams is becoming more structured and systematic. In compliance with the mandate of OHCHR to coordinate the human rights promotion and protection activities throughout the United Nations system, and in follow-up to the Secretary-General's request for OHCHR to work through the Resident Coordinator System to ensure that human rights are incorporated into country-level analysis, planning and programme implementation, OHCHR has strengthened its cooperation with UNCTs, deploying human rights advisers to assist resident coordinators in responding to complex human rights issues, when these arise.

31. OHCHR has also initiated discussions with United Nations partners such as the United Nations Development Group Office (UNDGO) and UNDP towards strengthening the effectiveness of human rights adviser to UNCTs, in line with system-wide efforts to strengthen coherence in the developmental and humanitarian work. As part of this effort, OHCHR is seeking to standardize the basic conditions and operating procedures in place for the deployment of human rights advisers to United Nations country teams, in a manner consistent with the objectives of the Office. OHCHR has human rights advisers in four countries: Georgia, Pakistan, Somalia and Sri Lanka funded either by the OHCHR Voluntary Fund for Technical Cooperation or in collaboration with other United Nations agencies and departments. Further human rights advisers are envisaged in different regions throughout 2006 and 2007.

D. Overcoming the closed-door policy

32. Despite the wide range of country engagement tools, my Office as well as special procedures mandate-holders still encounter difficulties in accessing a number of countries and I would like to continue or initiate a dialogue with the Governments of these countries to assist them in addressing the important protection gaps they face. I would also like to reiterate that closed-door policies and denial of access are grave concerns as they impede both on accurate assessment of the human rights situation in the country and any possibility of relevant technical assistance.

Chapter III
Developments in strategic thematic areas

A. Development, poverty reduction and the Millennium Development Goals

33. My Office is strengthening its capacities and consolidating expertise in the areas of the right to development and the Millennium Development Goals (the Goals), in order to more effectively support Member States in making the right to development a reality in practice. On the basis of work by the High-Level Task Force on the Implementation of the Right to Development, the Working Group on the Right to Development, at its seventh session in January 2006, adopted a set of criteria to evaluate, through the lens of the right to development, global partnerships as contained in Goal 8, with a recommendation to pilot these criteria to selected global partnerships. The Working Group's recommendations were endorsed by the Human Rights Council at its first session in June 2006, and OHCHR is presently supporting the High-Level Task Force in preparing first steps towards piloting of the above-mentioned criteria.

34. OHCHR has set working towards poverty reduction with other partners as one of its priorities for the 2006-2007 biennium programme, and to date I can report on progress in a few selected areas.

35. OHCHR has continued to support the Social Forum under the Sub-Commission on the Protection and Promotion of Human Rights, or any successor advisory body the Human Rights Council may decide upon. It will be instrumental in advancing a shared conceptual understanding of the linkages between human rights and extreme poverty, and in ensuring that the voices of the poorest are heard in United Nations discussions on these issues.

36. Consistent with the World Summit Outcome resolution, my Office is presently exploring the prospects of deeper collaboration with the World Bank. At the invitation of the World Bank's Nordic/Baltic donors, OHCHR has contributed actively to the Nordic/Baltic Executive Directors' Human Rights Initiative, which led to the establishment in July 2006 of the World Bank's Justice and Human Rights Trust Fund. Discussions are under way with World Bank officials to identify areas of collaboration under the Trust Fund, including in capacity development and integrating human rights in poverty-reduction strategies at the national level.

37. Building on conceptual work launched in 2002, OHCHR will publish a set of "Principles and guidelines for a human rights approach to poverty reduction strategies" in October 2006. The guidelines are intended as a tool to assist countries, international agencies and development practitioners to translate human rights norms, standards and principles into policies and strategies in favour of the poor. Internal capacity-building efforts within OHCHR have been strengthened and re-oriented towards a stronger country and regional focus, enhancing OHCHR dialogues with national partners and multilateral and bilateral development agencies on these issues.

38. I have chosen "Poverty and human rights" as the theme for this year's Human Rights Day on 10 December 2006. It is hoped that the Human Rights Day would serve as a reminder of our commitment to the universality of human rights and the

elimination of poverty. A range of media events and country level activities will take place highlighting — through people's own stories — the impact of poverty as the gravest human rights challenge in all countries of the world, and how strategies grounded in the human rights framework can help individuals and communities to challenge entrenched patterns of discrimination and lift themselves from the poverty trap.

39. There are also a number of important partnership initiatives under way that support OHCHR contributions to United Nations system-wide poverty reduction goals. Notable among them is OHCHR's continued leadership in the Action 2 reform initiative of the Secretary-General, aimed at enhancing system capacity in supporting Member States' efforts to strengthen human rights protection systems at the national level. As country-level implementation of Action 2 intensifies, the programme is scaling up its support to United Nations country teams with seed funding for capacity-building activities. It is envisaged that, by the end of 2006, some 30 United Nations country teams will benefit from support offered by the Action 2 programme.

B. Economic, social and cultural rights

40. In line with the objectives set out in my Strategic Management Plan for 2006-2007, OHCHR has embarked on efforts to strengthen its expert capacity in the area of economic, social and cultural rights, with a focus on legal protection and advocacy — a theme for my report to the 2006 session of the Economic and Social Council (E/2006/86).

41. OHCHR has supported the intergovernmental discussions on the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, which would establish an individual communications procedure to the Covenant. OHCHR serviced and provided substantive support to the third session of the Open-ended Working Group on an Optional Protocol (6-17 February 2006) (E/CN.4/2006/47). OHCHR attended and contributed to regional consultations on the optional protocol convened by the Governments of Mexico and Finland (Mexico City, 30-31 May 2006, and Helsinki, 27-28 July 2006), and it is planning to support further regional consultations. OHCHR will also support an experts' meeting convened by the Chairperson-Rapporteur (Lisbon, 29 September-1 October 2006).

42. OHCHR is in the process of elaborating a strategy for its work on economic, social and cultural rights, in consultation with various partners. One key objective is to enhance OHCHR's capacity, including through its field presences, to assist States, at their request, in strengthening national protection of economic, social and cultural rights, and to provide thematic support to the United Nations human rights treaty bodies and special procedures as well as United Nations agencies, funds and programmes.

C. Women's rights

43. OHCHR is in the process of establishing a new Women's Human Rights and Gender Unit, as part of our efforts to strengthen the Office's thematic expertise and our work for greater protection and empowerment of women. The Unit will focus on issues such as overcoming discrimination against women, including by addressing

laws and practices that discriminate against women, violence against women, and combating impunity for violations of women's human rights.

44. OHCHR participates in a number of inter-agency bodies working on women's human rights. In the reporting period, OHCHR has, inter alia, contributed to the work of the Inter-Agency Network on Women and Gender Equality (IANWGE), supporting the work of task forces dealing with women, peace and security, and indigenous women as well as IANWGE cooperation with the Organization for Economic Cooperation and Development/Development Cooperation Directorate Network on Gender Equality. OHCHR also participates in the Inter-Agency Standing Committee Taskforce on Gender and Humanitarian Action, where we, among other things, have contributed to the development of "A Handbook for Gender Equality in Humanitarian Action", and in the Joint United Nations Executive Committee on Humanitarian Affairs (ECHA)/United Nations Executive Committee on Peace and Security (ECPS) Taskforce on Protection from Sexual Exploitation and Abuse.

45. OHCHR worked bilaterally with a number of United Nations partners, including with DPKO to integrate a gender and women's human rights perspective in peacekeeping operations, with the Office of the United Nations High Commissioner for Refugees (UNHCR) and World Health Organization (WHO) supporting efforts to mainstream gender and women's human rights in their work. OHCHR has also participated in a range of activities of the Division for the Advancement of Women under the annual joint workplan submitted to the Commission on the Status of Women and the Commission on Human Rights.

D. Issues of equality and non-discrimination

46. Notable progress has been made in our efforts to promote equality and non-discrimination. My Office has provided substantive expertise and support in contribution to the adoption by the Ad Hoc Committee of the General Assembly on a draft international convention on the rights of persons with disabilities. After its adoption by the General Assembly, I believe that this Convention will offer genuine protection to the estimated 10 per cent of the world's population who have a disability and who are exposed to the most extreme forms of denial of human rights. I look forward to collaborating with States and civil society to support the new Committee on the Rights of Persons with Disabilities that will be established under the Convention.

47. Another landmark is the adoption by the Human Rights Council of the long-negotiated United Nations Declaration on the Rights of Indigenous Peoples. My Office has continued its work on the promotion and protection of the human rights of indigenous peoples by supporting, at the substantial and organizational levels, the existing human rights mechanisms relating to indigenous peoples, standard-setting processes, advocating for inter-agency cooperation, mainstreaming indigenous peoples rights within the United Nations system and UNCTs, empowering indigenous organizations and communities, and assisting States on these issues. OHCHR is strengthening its capacity-building work aimed at indigenous peoples through the Indigenous Fellowship Programme, as well as OHCHR/UNDP Human Rights Strengthening (HURIST) project activities in Bolivia, Ecuador, Guatemala and Kenya.

48. The struggle against racism, racial discrimination and xenophobia constitutes a priority for my Office. The principal focus of OHCHR has been on the effective implementation of the Durban Declaration and Programme of Action. We continue to provide substantive and organizational support to the work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of Independent Eminent Experts.

49. The Office extended support to the Regional Conference of the Americas against racism, racial discrimination, xenophobia and related intolerance organized by the Governments of Brazil and Chile and held in Brasilia from 26 to 28 July 2006, on progress made and challenges remaining with regard to the effective implementation of the Durban Programme of Action.

50. My Office initiated and organized a number of activities in commemoration of the International Day for the Elimination of Racial Discrimination on 21 March 2006, including panel discussions on the theme "Fighting everyday racism" in collaboration with the International Labour Organization (ILO) and the United Nations Educational Social and Cultural Organization (UNESCO).

E. Issues of migration and trafficking

51. Migration is high on the international agenda of 2006, and rightly so. The High-Level Dialogue on International Migration and Development of the General Assembly scheduled in September 2006 triggered an important debate on migration within the United Nations system and the international community at large.

52. My Office has actively contributed to the preparation of the High-Level Dialogue and has aimed at bringing human rights to the forefront of the debate. Respecting human rights is not only a legal obligation. It is also a precondition for our societies to grow and prosper in peace and security. OHCHR provided comments on the outline and drafts of the Secretary-General's report on international migration and development (A/60/871). A paper on the interlinkages between migration, development and human rights, a set of key messages as well as a compilation of findings and observations by the United Nations human rights system relating to the human rights of migrants are available on OHCHR's website, as its contribution to the High-Level Dialogue.

53. A human rights approach to migration includes a recognition that migrants are holders of rights which States of origin, transit and destination have an obligation to respect — the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families offers States the most comprehensive framework for the protection of the rights of migrants. It also calls on States, inter alia, to recognize that development is more than an economic parameter and encompasses human rights; that human rights deficits must be addressed in order to make migration an informed choice; and that discrimination is an underlying factor of migrants' vulnerability, which limits or nullifies migrants' contribution to development and thus needs to be addressed forcefully. Measures to protect the human rights of victims of human trafficking and smuggling are urgently needed, and information on safe and legal migration is to be made available and accessible. There is also a need for migration policies and programmes to be gender-

sensitive to ensure that adequate attention is given to the special circumstances of migrant women.

54. From December 2005 to March 2006, OHCHR chaired the Geneva Migration Group (GMG), which became the Global Migration Group during the OHCHR chairmanship. We continue to be an active member of GMG, which aims to enhance the overall effectiveness of inter-agency response to the opportunities and challenges posed by migration.

55. OHCHR, together with the *Defensoria del Pueblo of Bolivia* and the International Coordinating Committee of National Institutions (ICC), is organizing the Eighth *International Conference of National Human Rights Institutions*, on "Migration: the role of National Human Rights Institutions". The purpose of the Conference, to be held 23-27 October 2006 at Santa Cruz, Bolivia, is to develop and strengthen cooperation between NHRIs with regard to migrant and human rights issues; promote the adoption of strategies with regard to migration and human rights; establish guidelines for NHRIs in dealing with migrant issues; and adopt a Declaration and a Plan of Action on NHRIs and migration.

56. OHCHR supports human rights mechanisms, including those specifically dealing with the human rights of migrants, the Committee on Migrant Workers and the Special Rapporteur on the human rights of migrants. In July 2006, the Committee issued its contribution to the High-Level Dialogue on Migration and Development[1] based on the day of general discussion held on 15 December 2005. On 28 April 2006, the Committee adopted concluding observations on the initial report of Mali.[2] They are the first concluding observations on a State-party's report submitted under article 73 of the Convention on Migrant Workers.

57. The escalating dimension of human trafficking globally, its growing complexity including its connections with migration and transnational organized crime, are the focus of OHCHR Trafficking Programme. Prevention of trafficking involves identifying the linkages with development issues, including the rule of law, irregular migration, forced labour, and gender discrimination. Protection to victims of trafficking entails strengthening legal and policy initiatives, including shelters, skills training and reintegration schemes that provide assistance to and protect the victims of trafficking. By coordinating the Intergovernmental (IGO) Contact Group on Human Trafficking and Migrant Smuggling — which includes as members UNHCR, ILO, the International Organization for Migration, the United Nations Children's Fund, WHO and the NGO Caucus — OHCHR has continued to support effective human rights-based advocacy on the issue of trafficking within the United Nations system and in cooperation with civil society organizations.

F. Rule of law and democracy

58. My Office has responded to the demands for policy guidance, advisory services, methodology and expertise in the area of transitional justice and rule of law. OHCHR Rule of Law Tools for Post-Conflict States were published, outlining the basic principles involved in mapping the justice sector, prosecution initiatives, truth commissions, vetting, and monitoring legal systems. OHCHR further initiated development of additional two policy tools on the legacy of hybrid courts, and on reparations programmes. OHCHR has been also collaborating with DPKO in the development of a performance measurement system for the justice sector in post-

conflict States. In March 2006, my Office took part in the negotiations in Bujumbura between the United Nations and the Government of Burundi on the establishment and operation of a Truth and Reconciliation Commission and a Special Tribunal in Burundi as provided for in Security Council resolution 1606 (2005).

59. OHCHR has continued to examine the question of the protection of human rights and fundamental freedoms while countering terrorism and to make recommendations about the obligations of States in this regard, including through my annual reports to the General Assembly and the Commission on Human Rights. The Office supports the work of the Human Rights Council and its special procedures mandates, as well as the human rights treaty bodies and the Subcommission on the Promotion and Protection of Human Rights, in addressing a broad range of issues related to the impact of terrorism on human rights. OHCHR has worked with UNODC to deliver a specialized training programme for judges and prosecutors, and is developing a number of tools such as fact sheets on terrorism and human rights, and on the relationship between international humanitarian law and human rights law. The Office participated in a meeting organized by UNODC for West and Central African Governments in May 2006 on national legal frameworks for countering terrorism. OHCHR together with OSCE-ODIHR is organizing an expert workshop, which will aim to enhance understanding and awareness of human rights norms and standards in international cooperation in relation to counter-terrorism, in particular among security experts and legal advisers from relevant national ministries, law enforcement and the judiciary.

60. In my Plan of Action, I identified democratic deficits as a main challenge to human rights. OHCHR provides dedicated support to the United Nations Democracy Fund (UNDEF) established by the Secretary-General in July 2005. OHCHR plays an active role in the Programme Advisory Group advising on programme funding criteria and on project proposals. OHCHR also seconded one senior staff member to work in the UNDEF secretariat.

G. Human rights responsibilities of business

61. I am pleased to note that the United Nations Global Compact initiative has now been endorsed by all Heads of State and Government of the United Nations as well as by the General Assembly. Over the past year, OHCHR worked closely with the Global Compact Office and with members of the business community to enhance the understanding of human rights and to develop tools for companies committed to incorporate human rights into the core of their operations.

62. OHCHR also assisted the work of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. The interim report of the Special Representative contained a persuasive analysis of the broad contextual factors framing the issue of human rights and business.

Chapter IV

Establishment of the Human Rights Council, Universal Periodic Review and review of mandates and mechanisms

63. Following the decision to establish a Human Rights Council, my Office played a central role in ensuring the smooth transition from the Commission on Human Rights to the Human Rights Council and provided substantive and technical support to the Council at its inaugural session held from 19 to 30 June 2006, as well as its first two special sessions on the situation of human rights in the Palestinian and other occupied Arab territories (5-6 July 2006) and in Lebanon (11 August 2006).

64. The Council has quickly acted in accordance with the mandate entrusted to it by the Assembly — that of promoting universal respect for the protection of all human rights and fundamental freedoms — with such notable achievements as the adoption of the Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples.

65. The Council has also taken initial, yet critical, steps towards addressing the many complex procedural issues that accompany the establishment of a new and strengthened intergovernmental human rights body: the development of a programme of work for the first year; the extension for one year of all mandates, mechanisms, functions and responsibilities of the former Commission on Human Rights to prevent any gap in human rights protection during this transitional period; and the establishment of two intersessional open-ended intergovernmental working groups to review all such mandates and mechanisms above and to develop the modalities of the universal periodic review (UPR).

66. OHCHR will support the work of those two intergovernmental working groups, including through preparing background information on the functioning of the mandates and mechanisms of the former Commission, and on existing review mechanisms in other international or regional organizations for UPR. It is also compiling the contributions of all stakeholders as an input to both working groups.

67. In relation to the review of mandates and mechanisms, it should be noted that special procedures constitute an essential element of the United Nations efforts to protect and promote human rights, as well as a unique mechanism to monitor the human rights situation worldwide. The foundation of this system is the independence and expertise of special procedures mandate-holders. Another unique feature of the special procedures system is the direct accessibility of mandate-holders, as supported by OHCHR, including through the communications mechanism. Mandate-holders are also frequently and directly in contact with Governments and other stakeholders. A number of violations faced by individuals have been successfully addressed and remedies initiated accordingly.

68. Notwithstanding the achievements of the special-procedures system, various stakeholders, including the OHCHR, have identified ways to strengthen it. It is expected that the limitation of the terms of tenure of mandate-holders to a maximum of six years would continue, as this was a major step taken to reinforce independence. My Office can maintain and regularly update a roster of suitable and experienced experts who possess the relevant expertise. It could also constitute an advisory panel chaired by me and composed of experts from all regions which

would establish a shortlist of candidates for submission to the Chairperson of the Council.

69. The Human Rights Council will want to ensure, to the fullest extent possible, universal coverage of human rights issues while focusing on those human rights situations and countries that warrant special attention. Thematic mandates can broadly reflect the equal importance of civil and political, and economic, social and cultural rights and attempt to ensure that there is balanced geographic coverage. At the same time, there is a need to help identify potential gaps in protection, for example in relation to specific groups of persons, or specific countries that face major challenges. In order to support this universal coverage and close any protection gap, the Human Rights Council could encourage States to increase their cooperation, and to regularly extend invitations, in particular standing invitations, to mandate-holders.

70. Confidence-building measures among special procedures and Governments and other stakeholders can lead to more comprehensive interactive dialogue, better sharing of information and views with stakeholders and the timely preparation of visits with the involvement of all concerned parties.

71. Further interaction among different mandate-holders could also be facilitated between different mandate-holders.

72. My Office has already supported measures that ensure maximum efficiency of the system. To facilitate internal communication and collaboration, mandate-holders established a Coordination Committee at their annual meeting in 2005. OHCHR developed communication tools for, and with, the mandate-holders, and created a centralized quick-response desk for communications with Member States. Mandate-holders are also in the process of revising their Manual, which includes guidelines and agreed methods of work and OHCHR is coordinating a public consultation process in this regard. My Office has also enhanced its website, including on good practices and positive developments.

73. I share the view of many States that, in addition to the outcome of the review of mandates and mechanisms, the ultimate test for the Council will be the establishment of the UPR mechanism by which all States will be subject to a periodic review of the fulfilment of their human rights obligations and commitments. The international community has high expectations of UPR, including that it will redress the selectivity and over-politicization, particularly in the consideration of human rights situations in countries, which had plagued the former Commission. Whether this will be the case depends very much on whether two critical elements, universality of coverage and the equal treatment of all Member States, are guaranteed and fully integrated into the new mechanism from the outset.

74. Much thought has already been devoted to the possible modalities and process of UPR and efforts in this area will intensify over the next few months. A range of options have already been presented on such issues as periodicity of review, sources of information for review, process, mechanism and actors to conduct the review, as well as outcomes and follow-up. All the options and formulas on the table have their merits and present a number of challenges. Whatever modalities are developed for UPR, the process that will be agreed upon in the end should be inclusive, results-

oriented, well-structured, manageable and transparent. In this regard, several key elements should be emphasized.

75. The willingness of countries under review to open themselves to genuine scrutiny which, in turn, might prompt remedial action, is crucial for the success and effectiveness of UPR. Countries should be assessed on the basis of human rights instruments to which they are parties and other obligations, as well as the 2005 Summit Outcome Document and States' voluntary pledges and commitments to the Council, if any. The result should both yield a full picture of a country's human rights situation, and help to identify gaps that may require concerted action to improve protection capacity.

76. Further, while UPR should be made an integral component of the United Nations human rights system, it is important to maximize resources and methods so as to attain synergy and complementarity, rather than overlap and duplication, with other human rights mechanisms, in particular the special procedures and treaty bodies. Collectively, the interaction and combined outcomes of these three sets of protection mechanisms are designed to help — and when necessary to persuade — States to fulfil their human rights obligations and responsibilities, and to offer a comprehensive understanding of country situations.

77. The Council should benefit from the reports and findings of the special procedures, including with respect to responses to urgent situations. The periodicity of Council sessions should allow for the development of new modalities for enhanced interaction with special procedures. For this purpose consideration might be given to the establishment of a special segment devoted to the discussion of key concerns with mandate-holders at each of the sessions envisaged by the Council throughout the year. Special procedures could, directly or through their Coordination Committee, also contribute through prioritizing countries pending UPR in their plan of work; or through considering to issue an update for those countries already visited, which are being reviewed. Not only could UPR make use of their findings, conclusions and recommendations, but mandate-holders could be involved in its deliberations. The discussions and outcome of UPR could provide an incentive for States to follow up on recommendations by special procedures.

78. UPR should not undermine or make less effective the reporting procedures of the seven human rights treaty bodies. States should not reduce cooperation with the treaty-based procedures when they are under review through UPR. It should not become a means to challenge the decisions and recommendations of the treaty bodies, but should place emphasis on the follow-up to such decisions and recommendations. To the extent that countries appear before the Council on a regular basis, the follow-up procedures of the treaty bodies could be significantly strengthened. Thus, a Council recommendation requesting a State to implement a particular treaty body recommendation with immediate effect would contribute to reinforcing the efficacy of the treaty-based mechanisms.

79. I remain confident that the UPR mechanism will develop into a significant, constructive and highly visible activity of the Council.

Chapter V

Treaty body reform

89. In my Plan of Action, I indicated that I would develop proposals for a unified standing treaty body and invite all States parties to the seven principal human rights treaties to consider holding an intergovernmental meeting.

81. My proposal is based on the premise that, in spite of its achievements, the system currently faces serious challenges. Some are linked to its success, and stem from the increase in human rights instruments and the increasing number of States assuming new legal obligations. New bodies to monitor the draft treaties on disappearances and disability as well as the Subcommittee on Prevention established under the Optional Protocol to the Convention against Torture, which entered into force on 22 June 2006, were recently created. Many States accept the treaty body system on a purely formal level, but do not engage with it, or do so in a superficial way, either because of insufficient resources or absence of political will. Many States parties consider that the reporting procedures of the treaty bodies are overly burdensome and duplicative, and many reports remain overdue. I consider a unified standing treaty body to be a solution, which could address these challenges.

82. OHCHR has convened, or participated in, a number of consultations on the proposal for a unified standing body. In March 2006, I circulated a concept paper on the proposal to all stakeholders, and solicited feedback. The Fifth Inter-Committee Meeting and the Eighteenth Meeting of Chairpersons of treaty bodies discussed the concept paper in some depth. Further discussion on the concept paper and other possible solutions to achieve a more unified treaty body system took place at an informal brainstorming meeting convened in Liechtenstein from 14 to 16 July 2006.

83. The concept paper will be complemented by several option papers. An informal paper detailing the legal options for, and obstacles to, a unified standing body was prepared with inputs from the Office of Legal Affairs. The legal options paper was discussed in Liechtenstein in a preliminary way.

84. Some treaty body members welcomed my proposal; others have opposed it, mostly on the basis that a unified standing body could undermine the specificity of the seven major human rights instruments. A similar division of opinion on my proposal exists among States and in the NGO community.

85. A proposal for the creation of a single body for consideration of individual complaints only, put forward by the Committee on the Elimination of Racial Discrimination has attracted some support, while most reform options essentially focus on the harmonization of working methods.

86. While it is premature to draw definitive conclusions, it appears that the proposal for a unified standing treaty body that would unify both reporting and complaints procedures may not be achievable in the short term.

87. In the meantime, OHCHR has continued to support harmonization of the reporting guidelines of all treaty bodies, with a view to rationalizing reporting for States parties. A working group composed of one member of each of the seven treaty bodies met in December 2005 and February 2006 to finalize the harmonized reporting guidelines. The Fifth Inter-Committee Meeting considered the revised draft guidelines for a Common Core Document and targeted treaty-specific reports and recommended that all treaty bodies apply the guidelines in a flexible way,

review their own respective guidelines for initial and for periodic reports, and signal indications of any difficulties with their implementation. The experience of each treaty body with the implementation of the Consolidated Guidelines will be reviewed by the Seventh Inter-Committee Meeting in 2008.

88. Several States parties have indicated their interest in training on the Common Core Document and to date OHCHR has conducted courses in Angola, Nicaragua and Panama.

Chapter VI
Country engagement

89. The period under review marks a landmark in the development of the capacity of the United Nations to protect and promote all human rights for all. The establishment of the Human Rights Council has given practical expression to the Charter's recognition of human rights as an equal aspect of the Organization's functions and responsibilities, alongside security and development. The establishment of the Council raises numerous implications for the conduct of its future work, its methodology and ultimately its results. The period of transition poses particular challenges in ensuring that the successes of past experience are retained and strengthened, and that the failings of the past do not weaken the new and upgraded architecture of protection and promotion of human rights.

90. My Office is closely involved in these issues and the reform and review processes emerging from them, drawing on the full range of its experience in the areas of country engagement, thematic expertise and servicing of the special procedures and human rights treaty bodies.

91. The period under review has highlighted a variety of country-specific concerns, where OHCHR's engagement with Governments and civil society has provided appropriate support and assistance to States seeking to enhance the protection and promotion of human rights enjoyed by persons in those countries. OHCHR has continued to strengthen its capacities in a variety of areas posing particularly stark human rights challenges in the contemporary world.

92. Finally, the very welcome recent additions to the catalogue of international human rights instruments require OHCHR to play its part in making the rights recognized therein a reality.

93. In this report I have sought to inform members of the General Assembly of the progress made over the last year in implementing my Plan of Action and the OHCHR Strategic Management Plan. I urge members of the Assembly to join in our efforts over the coming years to enable a stronger and better equipped Office, able to meet the human rights needs of States, institutional partners and civil society, but first and foremost those of the rights-holders, in particular victims of human rights violations everywhere.

Notes

[1] A/61/120.

[2] CMW/C/MLI/CO/1.

06-53220 (E) 051006